

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ENERGIZER S.A.

07 CV 7406 (LTS)

Plaintiff,

-against-

M/V YM GREEN, her engines, boilers and
tackle *in rem*; YANG MING MARINE TRANSPORT
CORP.; YANGMING (UK) LTD.; ALL OCEANS
TRANSPORTATION INC.; KAWASAKI KISEN KAISHA,
LTD., CONTERM HONG KONG LTD.; VANGUARD
LOGISTICS SERVICES HONG KONG LTD.; FIEGE
GOTH CO., LTD.; and SHENZHEN HIGH POWER
TECHNOLOGY CO. LTD.

ANSWER TO
CONTINGENT
COUNTER-CLAIM
OF YANG MING
MARINE TRANSPORT CORP.
and YANG MING (UK)
LTD. WITH AFFIRMATIVE
DEFENSES

Defendants.

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Defendant KAWASAKI KISEN KAISHA, LTD. (answering defendant) by its attorneys, MAHONEY & KEANE, LLP, answers the Contingent Counter-Claim of defendants YANG MING MARINE TRANSPORT CORP. and YANGMING (UK) LTD. upon information and belief as follows:

FIRST: Answering defendant denies each and every allegation contained in paragraphs "15", "16", "17", "18", "19", and "20 of defendants YANG MING MARINE TRANSPORT CORP.'s and YANGMING (UK) LTD.'s Contingent Counter-Claim.

AS AND FOR A FIRST SEPARATE AND COMPLETE AFFIRMATIVE DEFENSE

SECOND: Defendant, KAWASAKI KISEN KAISHA, LTD., repeats, reiterates and makes applicable to co-defendant YANG MING MARINE TRANSPORT CORP.'s and YANGMING (UK) LTD.'s Contingent Counter-Claim each Separate and Complete Affirmative defense in

their Answer to plaintiff's Complaint as if specifically set forth herein at length and specifically without waiver of any jurisdictional defenses set forth in answering defendant's Answer to plaintiff's Complaint.

WHEREFORE, defendant KAWASAKI KISEN KAISHA, LTD. demand judgment dismissing the Contingent Counter-Claim herein, and awarding defendant KAWASAKI KISEN KAISHA, LTD. costs, fees, including reasonable attorneys fees and disbursements of this action, and further demands judgment against the co-defendants YANG MING MARINE TRANSPORT CORP.'s and YANGMING (UK) LTD CARRIERS for all sums which may be recovered by plaintiff against the defendant KAWASAKI KISEN KAISHA, LTD. and awarding KAWASAKI KISEN KAISHA, LTD. costs, disbursements and attorneys' fees of this action, and for such other and further relief as to the Court may seem just and proper.

Dated: New York, N.Y.
February 11, 2008

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